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ORDER

By order dated January 22, 2015 (Doc. 166), this court ordered that the stay be lifted and that Plaintiff file objections to the August 6, 2014 report and recommendation (Doc. 162) no later than February 4, 2015. On February 4, 2015, Plaintiff's counsel filed a notice (Doc. 167) setting forth that Plaintiff is unable to refute and therefore does not object to the August 6, 2014, report and recommendation filed by Magistrate Judge Carlson.

1) The court adopts the report and recommendation of Magistrate Judge Carlson (Doc. 162).

2) The motion to dismiss or in the alternative for summary judgment (Doc. 155) is **GRANTED** as to Defendants Bennion and Voorstad and they are **DISMISSED** from this action.

3) This matter is remanded to Magistrate Judge Carlson for further proceedings.

s/Sylvia H. Rambo
United States District Judge

Dated: February 4, 2015.